

# Clarke County

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Planning Commission  
**Regular Meeting Minutes**  
July 11, 2014



A regular meeting of the Planning Commission of Clarke County, Virginia, was held at the Berryville/Clarke County Government Center, Berryville, Virginia, on Friday, July 11, 2014.

## **ATTENDANCE**

George L. Ohrstrom, II, Chair; Anne Caldwell, Vice Chair; Robina Bouffault; Randy Buckley; Scott Kreider; Doug Kruhm; Frank Lee; Cliff Nelson; John Staelin; and Jon Turkel.

## **STAFF**

Brandon Stidham, Planning Director; Jesse Russell, Zoning Administrator; and Debbie Bean, Recording Secretary.

**ABSENT:** Chip Steinmetz

## **CALLED TO ORDER**

Chair Ohrstrom called the meeting to order at 9:00 a.m.

## **APPROVAL OF AGENDA**

The Commission voted unanimously to approve the agenda.

**Yes:** Bouffault, Buckley, Caldwell, Kruhm, Lee, Nelson (moved), Ohrstrom, Staelin, Steinmetz and Turkel (seconded)

**No:** No one

**Absent:** Kreider

## **APPROVAL OF MINUTES**

The Commission voted to approve the briefing meeting minutes of June 3, 2014.

**Yes:** Bouffault (seconded), Buckley, Caldwell (moved), Kruhm, Lee, Nelson, Ohrstrom, Staelin, Steinmetz and Turkel

**No:** No one

**Absent:** Kreider

The Commission voted to approve the regular meeting minutes of June 6, 2014 with minor corrections.

**Yes:** Bouffault (moved), Buckley, Caldwell, Kruhm, Lee, Nelson, Ohrstrom, Staelin, Steinmetz (seconded) and Turkel

**No:** No one

**Absent:** Kreider

**TA-14-02, Administrative Land Divisions. Proposed text amendment to amend §2-B, Definitions; §3-A-2, Administration by Planning Commission; §4, Procedure for Subdivision Approval; and §10, Special Regulations of the Subdivision Ordinance. The purpose of the amendment is to define a division of land into two or more parcels with each parcel being a minimum of 100 acres as an “administrative land division.” The amendment would establish additional regulations for review of such divisions including compliance with private access easement and utility installation requirements, and would require compliance with water and sewage disposal requirements for parcels forty (40) acres or larger that are reduced below forty (40) acres via boundary line adjustment. The amendment would also create a definition for the term “residual lot” and would require Planning Commission review for merger, boundary line adjustment, or administrative land division of a residual lot that was the subject of an administrative land division within the previous two (2) years.**

Mr. Stidham explained this proposed amendment to the Planning Commission. He stated that the purpose of the amendment is to define a division of land into two or more parcels with each parcel being a minimum of 100 acres as an “administrative land division.” He said that the amendment would establish additional regulations for review of such divisions including compliance with private access easement and utility requirements, and would require compliance with water and sewage disposal requirements for parcels forty acres or larger that are reduced below forty acres via boundary line adjustment. He said that the proposed text amendment was developed by the Planning Commission in response to administrative approval of plats that took place in late 2013 depicting a series of land divisions involving parcels of at least 100 acres and boundary line adjustments. He stated that the approval of land divisions involving parcels 100 acres or larger and the approval of boundary line adjustments fall under the authority of Planning Staff as subdivision agent. He said that neither transaction constitutes a “subdivision” requiring review by the Commission. He stated that the Commission members were concerned that these transactions represented a “loophole” that utilized administrative transactions approvable by Planning Staff to avoid the major subdivision and review by the Planning Commission.

Mr. Stidham stated that after review by the Planning Commission, the proposed text amendment will accomplish the following:

- Creates new definitions for “administrative land division” and “residual lot.” Neither term is currently defined in the Ordinance. (§2-B, Definitions)
- Adds “administrative land division” as a transaction that is not a subdivision. (§2-B-50, definition of Subdivide)
- Adds the term, “administrative land division,” to §3-A-2 which authorizes the Zoning Administrator to approve plats in which all proposed lots are 100 acres or larger.
- Creates a new §4-M that enumerates the design requirements for administrative land divisions including compliance with private access easement requirements in §8-J and utility installation requirements in §8-G.
- Clarifies that boundary line adjustments are approved by the Zoning Administrator (§10-D-6).

- Requires compliance with the water and sewage disposal system requirements set forth in §7-C-3-d if a lot equal to or greater than 40 acres is reduced in area below 40 acres (§10-D-7).
- Creates a new §10-F stating that any plat depicting a merger, boundary line adjustment, or administrative land division involving a residual lot that was the subject of an administrative land division within the previous two (2) year period shall require approval by the Planning Commission. The Commission would review the transaction under the same administrative authority that the Zoning Administrator would use, and would not have the ability to impose conditions or vary requirements. This new section would also require Commission action on the plat within 60 days.

After discussion with Staff and the Commission, Chair Ohrstrom opened the public hearing.

There being no public comments, Chair Ohrstrom closed the public hearing and called for a motion.

The Commission voted to recommend approval of this proposed amendment as presented to the Board of Supervisors.

**Yes:** Bouffault (seconded), Buckley, Caldwell (moved), Kreider, Kruhm, Lee, Nelson, Ohrstrom, Staelin and Turkel

**No:** No one

**Absent:** Steinmetz

**TA-14-04, Commercial Boarding Kennels and Animal Shelters.** Proposed text amendment to amend §3-A-1-a-3 (Special Uses and Structures), §3-A-2-a-3 (Special Uses and Structures), §3- A-12 (Special Uses and Structures), and §9-B-12 (Definitions) of the Zoning Ordinance. The purpose of the amendment is to remove Commercial Boarding Kennels and Animal Shelters as special uses in the Agricultural-Open Space-Conservation (AOC), Forestal-Open Space-Conservation (FOC), and Neighborhood Commercial (CN) Districts. The amendment would also delete the current use and definition of “animal shelter” and create a new use and definition for “animal shelter/governmental” that is limited to a facility owned and/or operated by the Clarke County government. “Animal shelter/governmental” would be added to the list of special uses in the AOC and FOC Districts.

Mr. Stidhman explained this proposed amendment to the Commission. He stated that this amendment was developed by the Planning Commission at the request of the Board of Supervisors. He stated that the Board requested that the Commission provide a formal recommendation on this request including review of the individual uses that are grouped within this category. He said that the adoption of the proposed text amendment would produce the following results:

- “Commercial Boarding Kennels of more than five canine or feline animals” and “animal shelters” would become prohibited uses in the AOC, FOC, and CN Districts.

- Existing commercial boarding kennels would become nonconforming special uses. As a nonconforming use, they would be subject to the limitations of §4-K-4-b of the Zoning Ordinance including prohibition on expansion or relocation to another portion of the property.
- Commercial boarding kennels would continue to be a by-right use in the Highway Commercial (CH) District.
- The former “animal shelter” use would be replaced by a new special use entitled, “Animal Shelter/Governmental.” Such uses would have to be either owned and/or operated by the County government and would include the current Clarke County Animal Shelter. Animal shelters owned/operated by any other public, private, or non-profit entity would be prohibited.

Mr. Stidham stated that since the last Planning Commission meeting on June 6, he has not received any public comments about this proposed amendment. After discussion with staff and the Commission, Chair Ohrstrom opened the public hearing.

Elizabeth Sell, 1321 Old Winchester Road, Boyce, VA, said that she commends the Planning Commission for their actions in denying approval for the recent Special Use Permit and Site Plan for a commercial boarding kennel and animal shelter in an agricultural area. She thanked the Planning Commission for their hard work with this request.

Rod DeArment, 409 Bellevue Lane, Boyce, VA, thanked the Planning Commission for their strong support in prohibiting dog kennels in the AOC district. He said that both the Special Use Permit and Site Plan were denied and he knows that it cost the County a lot of money and time reviewing the request. He said he was pleased that the County stepped in to help the residents in the AOC district and he was glad that the request was denied.

There being no further public comments, Chair Ohrstrom closed the public hearing and asked Staff and the Commission if they had any comments on this proposed text amendment.

Mr. Russell questioned if someone would happen to take dogs in and care for them on their property would this be considered an animal shelter or just an owner with a lot of dogs. He said that the text amendment would eliminate non-governmental animal shelters as a special use and was unclear on how we would address these situations in the future. He stated that this needs to be clarified at some point. Several Commissioners asked whether the proposed wording of the text amendment should be modified. Mr. Stidham said that he did not recommend changing the proposed wording at this time. After discussion with Staff and the Commission, Chair Ohrstrom called for a motion.

The Commission voted to recommend approval of this proposed text amendment to the Board of Supervisors.

**Yes:** Bouffault (moved), Buckley (seconded), Caldwell, Kreider, Kruhm, Lee, Nelson, Ohrstrom, Staelin, and Turkel

**No:** No one

**Absent:** Steinmetz

**2014 Clarke County Economic Development Strategic Plan.** Mr. Stidham stated that the Strategic Plan is a new implementing component plan recommended by the 2013 Comprehensive Plan and is the County's first Plan that focuses on economic development. The Strategic Plan is action-oriented and contains specific strategies and action items to help implement the Comprehensive Plan's recommendations on economic development. He said that the final plan is being presented today for public hearing.

Mr. Stidham stated that Milton Herd (Herd Planning) is present today and will give a presentation of the Economic Development Strategic Plan. Mr. Herd addressed the Planning Commission and said that the presentation today will summarize the plan. He said that the purpose of this Plan was to find strategies to increase the County's tax base and increase economic activity. He stated how important it is to build from past success and to foster cooperation between the County and Town. He said priorities need to be set in order to use the limited resources that are available. He stated that there were various steps in doing this Plan that involved a number of meetings for different phases of the plan.

Commissioner Kruhm commented that one of the major items that need to be reviewed is community outreach. He said it is important that the community knows how these decisions are made. He stated if we cannot get the adults involved we should go to the school system.

Commissioner Bouffault stated that we need to look at our website. She said we need the right Company to come in and develop our site.

There being no further public comments, Chair Ohrstrom closed the public hearing and called for a motion.

The Commission voted to recommend adoption of the Clarke County Economic Development Strategic Plan as presented and to make it a priority to update our website and have it implemented as soon as possible.

**Yes:** Bouffault (moved), Buckley, Caldwell, Kreider (seconded), Kruhm, Lee, Nelson, Ohrstrom, Staelin and Turkel

**No:** No one

**Absent:** Steinmetz

#### **Board/Committee Reports**

##### **Board of Supervisors (John Staelin)**

No report.

##### **Sanitary Authority (John Staelin)**

No report.

##### **Board of Septic & Well Appeals (John Staelin)**

No report.

**Board of Zoning Appeals (Anne Caldwell)**

No report.

**Historic Preservation Commission (Doug Kruhm)**

Commissioner Kruhm said that he attended the Josephine Street signage presentation. He said that the event was well attended and well done and everyone enjoyed the afternoon.

**Conservation Easement Authority (George Ohrstrom, II)**

Commissioner Ohrstrom stated that they had a very nice thank-you reception. He said that they are continuing to look for more easements.

**Other Business**

Mr. Stidham stated that there will be an Economic Advisory Committee meeting on October 8 from 9:00 a.m. until noon. He said all areas of the County and Town governments will be invited. He stated that they will be looking at demographics for now and in the future.

There being no further business to come before the Planning Commission, the meeting was adjourned at 10:04 a.m.



George L. Ohrstrom, II, Chair



Brandon Stidham, Director of Planning

Minutes prepared by Debbie Bean, Recording Secretary